

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THEODORE AARON MCCracken	:	CIVIL ACTION
<i>Plaintiff,</i>	:	
	:	
v.	:	
	:	
LEON L. DUNN et al.,	:	No. 17-3129
<i>Defendants.</i>	:	

ORDER

AND NOW, on this 15th day of August, 2018, upon consideration of the Petition for a Writ of Habeas Corpus (Doc. No. 1), the Report and Recommendation recommending denial of the writ (Doc. No. 31) and the lack of objections thereto, it is **hereby ORDERED** that:

1. The Report & Recommendation (Doc. No. 31) is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.
3. There is no probable cause to issue a certificate of appealability.¹
4. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

/s/ Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court agrees with U.S. Magistrate Judge Rice that there is no probable cause to issue such a certificate in this action.